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8 Attorney for Plaintiff Angelina Donez

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11
12 Angelina Donez,

13
14 Plaintiff,

15 vs.

16 Unifin, Inc.; and Does 1-5.

17
18 Defendants.

Case No. 21-cv-4751

COMPLAINT FOR VIOLATIONS
OF:

- FEDERAL FAIR DEBT
COLLECTION PRACTICES
ACT

DEMAND FOR JURY TRIAL

1 **I. Introduction**

2 1. Plaintiff Angelina Donez, (“Donez” or “Plaintiff”), through her
3 counsel, brings this action to challenge the acts of Defendant Unifin, Inc. (“Unifin”)
4 regarding violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et*
5 *seq.* (hereinafter “FDCPA”) which prohibits debt collectors and creditors from
6 engaging in abusive, deceptive and unfair practices.

7 2. Plaintiff makes these allegations on information and belief, with the
8 exception of those allegations that pertain to Plaintiff or Plaintiff’s counsel, which
9 Plaintiff alleges on personal knowledge.

10 3. While many violations are described below with specificity, this
11 Complaint alleges violations of the statutes cited in their entirety.

12 4. Plaintiff is unaware of the true names or capacities, whether individual,
13 corporate, associate or otherwise of the Defendants sued herein as Does 1 through 5,
14 and therefore, sues the Defendants by such fictitious names.

15 5. Any violations by Defendant were knowing, willful, and intentional,
16 and Defendant did not maintain procedures reasonably adapted to avoid any such
17 violations.

18 **II. Jurisdiction and Venue**

19 6. This action arises out of violations by Defendant of the FDCPA under
20 15 U.S.C. §1692, *et seq.* Jurisdiction arises pursuant to 15 U.S.C. §1692(k)(d).

21 7. As Defendant does business in the state of California, and committed
22 the acts that form the basis for this suit in the state of California, the Court has
23 personal jurisdiction over Defendant for purposes of this action.

24 8. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b)2.

25 **III. Parties**

26 9. Plaintiff is a natural person residing in Fremont, California, and is a
27 consumer within the meaning of 15 U.S.C. §1692a(3) of the FDCPA in that he is a
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1 natural person purportedly obligated to pay a consumer debt, allegedly owed to
2 LVNV Funding, LLC (hereinafter “Debt”).

3 10. Plaintiff is informed and believes that Defendant Unifin is and was at
4 all relevant times a Illinois corporation with its corporate address at 5996 West
5 Tuohy Avenue, Suite 2000, Niles, IL 60714, whose principal purpose is to collect
6 money on the debts it purchases, and as such Unifin is a “debt collector” under 15
7 U.S.C. §1692a.

8 **IV. Facts Common to all Claims for Relief**

9 14. On November 18, 2019, Unifin sent a collection letter to Plaintiff
10 claiming that an account was due and owing to LVNV Funding, LLC with a total
11 balance of \$2,533.37, account # XXXXXXXXXXXXX8319 (Exhibit 1). On that
12 letter, Unifin provided an email address, myaccount@unifinrs.com, for
13 correspondence.

14 15. On January 8, 2020, through her counsel Scott M. Grace, Plaintiff
15 notified Unifin by email that Mr. Grace now represented her in all matters regarding
16 the alleged account.

17 16. On June 25, 2020, Unifin sent a collection letter to Plaintiff, which was
18 delivered to her personal address, not Scott M. Grace’s office (Exhibit 2).

19 17. By continuing to contact Plaintiff after express notice from Plaintiff’s
20 counsel that Plaintiff was represented by counsel and advising Defendant to direct
21 all communications to Plaintiff’s counsel, Defendants caused Plaintiff anxiety and
22 confusion as to whether Plaintiff’s counsel had ceased representation of Plaintiff,
23 and whether or not Defendants refused to honor Plaintiffs request to direct
24 communications to her counsel.

25 18. By engaging in the foregoing conduct, the natural consequence being
26 harassment and oppression of Donez, in connection with the collection of a debt,
27 Defendant violated 15 U.S.C. §1692c and 15 U.S.C. §1692d.

28 19. Plaintiff was harmed by Defendant’s conduct because Defendant’s
improper debt collection practices caused unnecessary confusion, complications and

1 caused actual damages to Plaintiff by forcing her to have to send numerous
2 notifications regarding Plaintiff's representation by counsel.

3 **FIRST CLAIM FOR RELIEF**

4 **(Violations of the FDCPA)**

5 20. Plaintiff re-alleges and incorporates herein by reference the allegations
6 contained in the paragraphs above.

7 21. Defendant violated the FDCPA. Defendant's violations include, but are
8 not limited to the following:

- 9 a. 15 U.S.C. §1692c by continuing to contact Plaintiff after receiving
10 notice that Plaintiff is represented by an attorney;
11 b. 15 U.S.C. §1692d by engaging in behavior the natural consequence of
12 which is to harass, abuse or oppress;

13 22. Plaintiff is entitled to actual damages sustained as a result of
14 Defendant's conduct, in an amount according to proof; to statutory damages of
15 \$1,000 each; to costs of the action; and to reasonable attorney's fees, all pursuant to
16 *15 U.S.C. §1692k*.

17 **PRAYER FOR RELIEF**

18 Plaintiff prays that judgment be entered against all named Defendants, and
19 prays for the following relief:

- 20 1. An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1)
21 against Defendant and for the Plaintiff;
22 2. An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §
23 1692k(a)(2)(A) against Defendant and for the Plaintiff;
24 3. An award of costs of litigation and reasonable attorney's fees against
25 Defendant and for the Plaintiff, pursuant to 15 U.S.C. § 1692k(a)(3);

26 **JURY DEMAND**

- 27 1. Plaintiff demands a trial by jury.
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Date: June 22, 2021

/s/Scott M. Grace
Scott M. Grace
Attorney for Plaintiff